

**Planning and Zoning Commission
Minutes of March 15th, 2018**

Commissioners Present: Nick Barrera, Mark Follis, Wyatt Smith, Christina Tschappat, Helen LaCour and Chairman Hal Lawler

Commissioners Absent: Trey Kendrick, Richard Warren, Lou Ann Martin

City Staff Present: City Manager Corby Alexander, Assistant City Manager Jason Weeks, Assistant City Attorney Clark Askins, Planning and Development Director Richard Mancilla, City Planner Ian Clowes, City Engineer Lorenzo Wingate, Office Coordinator Peggy Lee, Planning Technician Chase Stewart

- **CALL TO ORDER.**

Chairman Hal Lawler called the meeting to order at 6:04 p.m.

- **ROLL CALL OF MEMBERS.**

Commissioners Trey Kendrick, Richard Warren, Lou Ann Martin were not present for the meeting.

- **CONSIDER APPROVAL OF THE MEETING MINUTES:**

- a. **March 15th, 2018 Meeting**

Motion by Commissioner Follis to approve the meeting minutes of January 18, 2018.

Second by Commissioner LaCour. **Motion carried.**

Ayes: Commissioners LaCour, Barrera, Follis, Smith, Tschappat, and Chairman Lawler

Nays: None

- **PUBLIC HEARING: 6:05 PM** Open Public Hearing to receive input on an application for Zone Change #18-92000003, a request by Raj Shafaii, applicant and owner; for approval of a zone change from Low Density Single Family (R-1) to Mid Density Single Family Residential (R-2), for a 3.01 acre tract of land legally described as Lots 1 thru 29, Block 29 and Lots 19 thru 30, Block 203, La Porte Subdivision.

Chairman Lawler opened the public hearing at 6:02 pm

- **Staff Presentation** Mr. Ian Clowes, City Planner, presented staff's report on a request by Raj Shafaii for a zoning change from R-1 to R-2 to allow a senior living community,

comprised of 14 duplex structures projected to be accompanied by a management office/ Clubhouse, to be developed on 3.01 acre tract of land legally described as Lots 1 thru 29, Block 29 and Lots 19 thru 30, Block 203, La Porte Subdivision. City planner, Mr. Clowes:

- Proceeded to describe the surrounding area of the proposed zone change in an effort to introduce members of the commission to the current nature of the area due to the zoning already set in place in the area in question.
- Directed the commission towards the site plan for the development. Mentions that the roads will be gated/private and will not be maintained by the City of La Porte, but rather the property owner.

Staff recommends to the commission an approval of the zoning request. Directs further questions in regards to the proposed development to the applicant.

a. Applicant Presentation

Raj Shafaii, 3807 River Oaks, Pasadena Texas. Starts with some overview into what the project is that will benefit from this proposed zone change.

- Commissioner Smith inquired about the market value of the duplexes once built. Applicant was optimistic of the living spaces being valued from \$130,000- \$150,000.
- Commissioner Follis is apprehensive about the “true zone change from R-1 to R-2” and mentions that the applicant isn’t required to build what the proposed development is and would be able to switch to whatever is desired, as long as it fits within the requirements of R-2, or even sell the property all together.
- Questions arise from Commissioner Follis in regards to the Union Pacific right-of-way which are rebutted the applicant with plans of either a detention pond or a park if able to obtain.

b. Public Comments (for, against, or question)

Armad Shafaii, no address given.

(For)

- Mr. Shafaii, has a connection with the developer petitioning for the zoning change, approached the committee as a “for” when it came to the rezoning request.

Brian Moore, 511 S Utah, La Porte Texas

- Voiced a “for” in part because of the speculated detention pond and quality of structures improving the area if granted the rezoning request.

(Question)

Fred Beck, 307 S Iowa St, La Porte Texas

- Question: Asked the commission for clarification on if Mr. Shafaii is able to apply for a rezoning of an area that he currently doesn't own. Specifically the railroad's right-of-way. Also asked about the closure of an alleyway by the city.
- Raised concern that the applicant won't adhere to the building plan set forth and could build whatever other structure desired as long as it fits the qualifications of R-2. Suggested a rezoning to PUD instead so the City would have more involvement.

(Against)

Philip Hoot, Resides at 927 Seabreeze Ave, La Porte Texas, Owns property at 301 S Iowa, La Porte Texas

- Against: Requested advice from attorney that requested the denial for the zoning change on the grounds that it shows characteristics of spot zoning, which is against the law.

Buford Lloyd Crowel, 300 Block Kansas St

- Voiced an "against" because he wants to keep the community the way it is. Based off of concern that the developer would achieve the rezone but wouldn't follow through with the actual building plan. Also concerned about flooding in the area, especially with the increase of concrete in the area.
- Buford returns to the podium to further support his point that drainage for this development would be an issue.

Brian Cook, 401 S Utah, La Porte Texas

- Voiced an "against" citing concern for spot zoning and the development that would benefit from the zone change not conforming to the nature of the area.

Mike Shanahan, no address given

- There was more of a concern that the citizens of La Porte weren't properly informed of the proposition for a zone change.

Brandon Kneffer, 3003 S Broadway, La Porte Texas

- Opposes the zoning change due to the adverse effects of construction in the area

c. Question and Answer

Commissioner Smith questions Mr. Ian Clowes and Assistant City Attorney Mr. Clark Askins if this zone change, if approved, would be considered spot zoning. Mr. Askins'

legal opinion was that it wasn't spot zoning. Chairman Lawler questions about if the proposed development area was located in a flood plain. Need to return to this after research. PUD zoning in place of a rezone to R-2 is ruled out.

- **ADJOURN PUBLIC HEARING**

Chairman Lawler closed the public hearing at 7:08 p.m.

- **CONSIDERATION:** Consider recommendation to City Council on Zone Change #18-92000003

Motion by Commissioner Follis to recommend to City Council, to deny the zone change #18-92000003, seconded by Commissioner Barrera

Second by Commissioner Barrera. **Motion carried.**

Ayes: Commissioners Barrera, Martin, Follis, Smith, Tschappat, LaCour and Chairman Lawler

Nays: None

FUTURE LAND USE MAP AMENDMENT: Item 7 Mr. Clowes presented staff's report on an amendment to the Future Land Use Plan from Low-Density Residential to Mid-High Density Residential in conjunction with zone change #18-92-000003 approval for property located at the intersection of S Utah St and E "B" St. Motion by Commissioner Follis for denial. Seconded by Commissioner Barrera. Unanimous

- **GENERAL PLAN: (Patio Home) Item 8**

Motion by Commissioner Follis to consider approval or other action regarding a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of 92 Fairmont Lakes, Inc., owner; to amend a previously approved General Plan for a patio home development, located on a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey.

- **GENERAL PLAN: (Apartment Home) Item 9**

Consider approval or other action regarding a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Bayforest Ranch, Ltd, owner; to amend a previously approved General Plan for a multi-family apartment complex, located on a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey.

Previous Conditions met in amended general plan for Items 8 (Patio Home General Plan) & 9 (Apartment Home General Plan)

- Wrought iron fence shall be installed along the east property line.
- Setback from buildings along the east side of the property shall be 50'.

- Detention pond shall be wet bottom.
- Relocated emergency access point establishes a secondary access point simultaneously

Motion: Commissioner Follis

Second: Commissioner LaCour **Motion carried.**

Ayes: Commissioners Barrera, Tschappat, and Chairman Lawler

Nays: 1, Commissioner Smith

- **PRELIMINARY PLAT: (Item 10)** Consider approval of a Preliminary Plat for the Morgan's Landing Phase 1 Section 1; a single family residential development consisting of 10 lots on 4.6 acres located on Bay Area Blvd.

Motion: Commissioner Follis motion to approve

Seconded: Commissioner Barrera

Nay: None

- **PRELIMINARY PLAT: (Item 11)** Consider approval of a Preliminary Plat for the Morgan's Landing Phase 1 Section 2; a single family residential development consisting of 24 lots on 6.9 acres located on Bay Area Blvd.

Motion: Commissioner Barrera to approve

Seconded: Commissioner Follis

Nay: None

- **PRELIMINARY PLAT: (Item 12)** Consider approval of a Preliminary Plat for the Morgan's Landing Phase 1 Section 3; a single family residential development consisting of 52 lots on 16.2 acres located on Bay Area Blvd.

Motion: Commissioner LaCour to approve

Seconded: Commissioner Smith

Nay: None

- **PRELIMINARY PLAT: (Item 13)** Consider approval of a Preliminary Plat for the Morgan's Landing Phase 1 Section 4; a single family residential development consisting of 43 lots on 11.0 acres located on Bay Area Blvd.

Motion: Commissioner Follis to approve

Seconded: Commissioner LaCour

Nay: None

- **PRELIMINARY PLAT: (Item 14)** Consider approval of a Preliminary Plat for the Morgan's Landing Phase 1 Recreation Center/Detention; a single family residential development consisting of 2 reserves on 26.0 acres located on Bay Area Blvd.

Motion: Commissioner Barrera to approve

Seconded: Commissioner LaCour

Nay: None

- **DISCUSSION ITEMS:**

- Possible amendments to Section 106-803, Tree Fund
Will take up at a later date after subcommittee meeting discussion

1. Update from subcommittee regarding 106 annual review.

Main points:

- Switch the word “hog” to “swine” to be more politically correct.
 - Requirements for driveway spacing. Consult City Engineer further
 - Main Street District, E of Broadway. Industrial natured buildings and problems with leasing.
 - Exterior Storage: new language to addressing “POD” storage containers
 - Non-operable vehicles throughout the city
 - Potentially changing the language of Multi-family definitions
 - 180 unit limit amended to range of 100-300 units to promote competitive apartment complexes
2. Comprehensive Plan Update Workshop – March 22, 2018
 - Commissioner Smith asks about creating a new zone that facilitates solely towards senior living developments

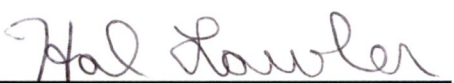
Motion for Adjournment: Commissioner LaCour **Seconded:** Commissioner Smith
Nay: None

Chairman Lawler adjourned the meeting at 8:04 p.m.

Respectfully submitted,

Trey Kendrick,
Secretary, Planning and Zoning

Passed and Approved on _____, 2018.


Hal Lawler
Chairman, Planning and Zoning Commission